

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

**H&R BLOCK EASTERN  
ENTERPRISES, INC.,  
HRB ROYALTY, INC.,  
H&R BLOCK ENTERPRISES, INC.  
AND H&R BLOCK AND ASSOC., L.P.**

**Plaintiffs,**

**v.**

**INTUIT, INC.**

**Defendant.**

**Case No. 06-0039-CV-W-SOW**

**ORDER**

By agreement of the parties in the above-captioned case and for good cause shown, and after hearing arguments on Plaintiffs' Motion for New Temporary Restraining Order and Request for Preliminary Injunction, and receiving submissions from all parties regarding said Motion, the Court hereby orders and decrees as follows:

Intuit, Inc. represents to this Court that it has instructed its advertisers to pull the soundtracks of the advertising campaign that are the subject of the Complaint filed by Plaintiffs in the above-captioned action and of Plaintiffs' Motion for a Temporary Restraining Order. Intuit further represents to this Court that it will use its best efforts to ensure that any current or future advertising shall not be broadcast or otherwise disseminated from the close of business on January 20, 2006 through April 30, 2006 that contains the claim, or substantially equivalent claim, that "more returns were prepared with TurboTax last year than at all the H&R Block stores."

Intuit has represented that it took the aforementioned actions and agreed to the foregoing terms based on Plaintiffs providing to the Court and Intuit this day the total number of tax returns Plaintiffs contend they prepared last year. Intuit disputes the validity of the number of tax returns identified by Plaintiffs. Plaintiffs dispute that this was the motivation for Intuit's action and instead assert that Intuit agreed to pull the language in question because it realized it was unable to substantiate its claim. Intuit disagrees with Plaintiffs' contention.

It shall be a violation of this Order if Intuit does not comply with the representations stated herein. Based on the foregoing, Plaintiffs hereby withdraw their Plaintiffs' Motion for New Temporary Restraining Order and Request for Preliminary Injunction.

IT IS SO ORDERED.

DATE: 1-18-06 \_\_\_\_\_

TIME: 9:45 AM \_\_\_\_\_

/s/Scott O. Wright \_\_\_\_\_  
SCOTT O. WRIGHT \_\_\_\_\_  
United States District Court Judge